IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1105 OF 2005

Vimantal Hamal Ekta Sanghathana ....Petitioner

Versus

Union of India & Ors ....Respondents

Mr. S.D. Patil instructed by Mr. R.D. Suryawanshi for the Petitioner
Ms. Munim instructed by M/s. Rajesh Kothari & Co. for Respondents No. 3 to 5.
Mr. M.D. Naik, Assistant Government Pleader, for Respondents No. 7 to 9.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 26TH JULY, 2005.

P.C. :

This Petition has been filed by a union of 80 outside loaders registered under the provisions of the Indian Trade Union Act, 1926. The union has filed this petition with a prayer that respondents No.1 to 3 i.e. Union of India, Civil Aviation Ministry and Airports Authority of India be directed to permit the members of the petitioner to work as loaders outside the terminal building of the Chhatrapati Shivaji

International Airport Terminal.

2. The Petitioners have also prayed that Respondent Nos.6 to 9 i.e. The Commandant, C. I. S. F., The Commissioner of Police, The Deputy Commissioner of Police and Senior Police Inspector be restrained from interfering with the work of loading carried on by the members of the union peacefully and in a disciplined manner.

3. In pursuance to the show cause notice issued by this Court, Mr.P. Raghuraman, Assistant General Manager (OPS) has filed an affidavit in which a reference of Writ Petition No.12 of 2005 has been given, which was preferred for identical relief and were dismissed by a bench of the Hon'ble Mr.Justice H.L. Gokhale and Hon'ble Mr.Justice S.C. Dharmadhikari.

4. In the affidavit, it is mentioned that the Petitioners are not recognized by Respondent No.3 – Airports Authority of India. It is also mentioned that Respondent No.3 has been awarding contracts of Trolley Retrieval from time to time to enable the passengers to carry their luggage from the terminal building to the parking area.

5. It is also mentioned in the affidavit that Respondent No.3 is providing free passenger baggage trolleys which are kept at

vantage and easily accessible places outside the terminal building in full public view with appropriate information boards for the benefit of passengers.

6. It is also mentioned that any activity of assisting the passenger other than by a bonafide person/relative/employee of the passenger is considered unauthorised and prohibited in the larger interest of the passengers and the safety and security of their belongings.

7. It is also incorporated in the affidavit that Mumbai Airport is an International Airport and as such is a gateway of India and a very sensitive area. Due to terrorists threats and in order to prevent various illegal activities from being carried out in the Airport area (which includes the terminal building as well as the area surrounding the terminal building such as the parking ares), Respondent No.3 who are in charge of the management of the Mumbai Airport have been maintaining a very strict watch on the movement of various persons within the Airport area. The movement of various persons within the airport area is monitored and restricted. In fact, the security of the terminal buildings is also being handed over to C. I. S. F.

8. In the affidavit it is also mentioned that the petitioner is an unauthorized body and its activities cannot be permitted to be carried out within the airport area. International standards are required to be maintained. Number of complaints of harassment to the passengers by the loaders have been received by respondent No. 3. Complaints of extortion from the passengers are also received. It is also mentioned that at no other International airports in India, the loaders are permitted. It is also mentioned that permitting the petitioner to carry on its activities within the airport area may lead to further extortion and harassment to passengers and security hazards. Such activities tarnish the reputation of the nation.

9. On consideration of the aforementioned activities, the petitioner cannot be permitted to carry on its activities within the airport area.

10. We have heard the learned counsel for the parties. Taking into consideration the aspect of the safety of the people and security of the airport, no interference is called for. Respondent No.3 rightly

did not permit the petitioner to carry on its activities at the airport. This petition is devoid of any merit, and is accordingly disposed of. In these facts and circumstances, we direct the parties to bear their own costs.

CHIEF JUSTICE

S.J. VAZIFDAR, J.